

**DECLARATION AND POWER OF ATTORNEY**

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, first and sole inventors of the subject matter which is claimed and for which is sought on the invention entitled:

**MULTI-USE SURGICAL CEMENT DISPENSER APPARATUS AND KIT FOR SAME**

for which provisional application for Letters Patent of the United States was filed on February 12, 2001 and assigned application serial number 60/267,717, and for which application for Letters Patent of the United States is filed herewith.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

We hereby claim foreign/provisional priority benefits under Title 35, United States Code, § 119 of any foreign/provisional application(s) for patent or inventor's certificate listed below and have also identified below any foreign/provisional application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign/Provisional Application(s)	<u>Priority Claimed</u>		
60/267,717 (Number)	U.S. (Country)	02/12/01 (Day/Month/Year Filed)	Yes Yes/No

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status)
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Mar-18-02 14:38 From 02/18/2002 04:37:42 4095

T-215 P.02/05 F-788

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As named inventors, we hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Patrick J. Coyne, Reg. No. 31,821; Richard H. Kjeldgaard, Reg. No. 30,186; David R. Yohannan, Reg. No. 37,480; Katharine I. Mathews, Reg. No. 40,336; John N. Coulby, Reg. No. 43,565, Mark W. Rygiel, Reg. No. 45,871, Jamie M. Larman, Reg. No. 48,623, Andrew G. Rozycki, Reg. No. 36,406, Michael D. Steffensmeier, Reg. No. 37,735, and Donald O. Nickey, Reg. No. 29,092.

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Full name of first inventor

Avery J. Evans

Inventor's signature



Date

2/14/02

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Full name of second inventor

Mike Plishka

Inventor's signature



Date

2/10/07

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FEB 19 2004 10:50 FR CARDINAL HEALTH-LAW 47 578 4095 TO 7170330869166468 P. 09

Mar-18-02 14:38 From-  
Tuesday, February 10, 2004 10:50:00 AM

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Full name of third inventor

Michael A. Morris

Inventor's signature

Michael A. Morris

Date

2-19-02

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Citizenship

U.S.

Post Office Address

Same as residence

PTO/SB/84 (08-03)

Approved for use 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

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2/2/04

Date

Telephone

Number: 614-757-7861

Michael D. Steffensmeier

Signature

MICHAEL D. STEFFENSMEIER

Typed or printed name

7000 Cardinal Place

Address

Dublin, Ohio 43017

Address

Enclosures:  Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: Copy of Notice to file Missing Parts & Declaration Power of attorney

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Feb. 19, 2004

Date

Kimberly C. Lema

Signature

Kimberly C. Lema

Type or printed name of person signing certificate

PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0651-0032  
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# FEET TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 1,460.00)

## Complete If Known

Application Number	10/074,959
Filing Date	12 February 2002
First Named Inventor	EVANS
Examiner Name	
Art Unit	3732
Attorney Docket No.	SPEC-8150

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit  
Account  
Number

01-0485

Deposit  
Account  
Name

ALLEGIANCE CORPORATION

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee  
 to the above-identified deposit account.

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	65	Surcharge - late filing fee or oem	130.00
1052 50	2052 25	25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	130	Non-English specification	
1812 2,520	1812 2,520	2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	55	Extension for reply within first month	
1252 420	2252 210	210	Extension for reply within second month	
1253 950	2253 475	475	Extension for reply within third month	
1254 1,480	2254 740	740	Extension for reply within fourth month	
1255 2,010	2255 1,005	1,005	Extension for reply within fifth month	
1401 530	2401 185	185	Notice of Appeal	
1402 530	2402 185	185	Filing a brief in support of an appeal	
1403 290	2403 145	145	Request for oral hearing	
1451 1,510	1451 1,510	1,510	Petition to institute a public use proceeding	
1452 110	2452 55	55	Petition to revive - unavoidable	
1453 1,330	2453 665	665	Petition to revive - unintentional	1330.00
1501 1,330	2501 665	665	Utility issue fee (or release)	
1502 480	2502 240	240	Design issue fee	
1503 640	2503 320	320	Plant issue fee	
1460 130	1460 130	130	Petitions to the Commissioner	
1807 50	1807 50	50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	180	Submission of Information Disclosure Stmt	
8021 40	8021 40	40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	385	For each additional invention to be examined (37 CFR 1.129(d))	
1801 770	2801 385	385	Request for Continued Examination (RCE)	
1802 900	1802 900	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$ 1,460.00)**

(Complete if applicable)

Name (Print/Type)	MICHAEL D. STEFFENSEN		
Signature	<i>Michael D. Steffensen</i>		
Registration No. (Attorney/Agent)	37735	Telephone	614-757-7413
Date	2/2/04		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.